

BECKER & POLIAKOFF LLP

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*Attorneys for Defendants Susanne Stone Marshall,
Adele Fox, Marsha Peshkin, and Russell Oasis (the "Fox
Plaintiffs")*

Opposition Deadline:

August 8, 2014

Reply Deadline:

August 15, 2014

Hearing Date / Time:

August ___, 2014, at 10 A.M.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff,

-against-

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Adv. Pro. No. 14-01840 (SMB)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

CAPITAL GROWTH COMPANY, *et al.*,

Intervenors,

-against-

SUSANNE STONE MARSHALL, *et al.*,

Defendants.

**NOTICE OF MOTION FOR AN ORDER: (i) AUTHORIZING DISCOVERY
FROM THE TRUSTEE, APRIL FRIELICH, BARBARA PICOWER, AND
BERNARD MADOFF PURSUANT TO FRBP 2004, AND AUTHORIZING THE
DEPOSITION OF MADOFF TO PRESERVE TESTIMONY PURSUANT FRCP
27; (ii) AUTHORIZING THE DEPOSITION OF MADOFF PURSUANT TO
FRCP 30(a)(2)(B); AND (iii) DIRECTING THE SEQUENCE OF DISCOVERY
PURSUANT TO FRCP 26**

PLEASE TAKE NOTICE that, upon the accompanying motion in the above-captioned adversary proceeding by the Defendants Susanne Stone Marshall, Adele Fox, Marsha Peshkin, and Russell Oasis (the "Fox Plaintiffs") for an Order: Order: (i) Authorizing Discovery From the Trustee, April Frielich, Barbara Picower, and Bernard Madoff Pursuant To FRBP 2004, and Authorizing the Deposition of Madoff to Preserve Testimony Pursuant FRCP 27; (ii) Authorizing the Deposition of Madoff Pursuant to FRCP 30(A)(2)(B); and (iii) Directing the Sequence of Discovery Pursuant to FRCP 26 by defendants Marshall, Fox, Peshkin, and Oasis (collectively, the "Fox Plaintiffs"), and on such other and further arguments as may be presented prior to and at the hearing on the motion, the Marshall Plaintiffs, by their undersigned counsel, will move before the Honorable Stuart M. Bernstein on _____, **2014, at 10:00 AM** on the Fox Plaintiffs' motion.

PLEASE TAKE FURTHER NOTICE that opposition to the motion must be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **August 8, 2014** (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon the undersigned.

PLEASE TAKE FURTHER NOTICE that reply papers in further support of the motion must be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **August 15, 2014** (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein).

BECKER & POLIAKOFF LLP

Dated: **July 18, 2014**
New York, New York

By: *s/ Helen Davis Chaitman*
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